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10/566,583

01/31/2006

Futoshi Kameda

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9629 7590 10/23/2007  
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EXAMINER

LOW, LINDSAY M

ART UNIT

PAPER NUMBER

3721

MAIL DATE

DELIVERY MODE

10/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Interview Summary

Application No.

10/566,583

Applicant(s)

KAMEDA, FUTOSHI

Examiner

Lindsay M. Low

Art Unit

3721

All participants (applicant, applicant's representative, PTO personnel):

(1) Lindsay M. Low.

(3) Kent Basson.

(2) Rinaldi Rada.

(4) \_\_\_\_\_.

Date of Interview: 22 October 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: See Attached Document.

Claim(s) discussed: 1 and 6.

Identification of prior art discussed: Kufel (3,029,436).

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed Proposed Amendment. Examiner agreed that the proposed amendment appears to overcome Kufel. Examiner invited applicant to formally submit the attached proposed amendment for full consideration by the Examiner.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

*Lindsay Low*

*Rinaldi I. Rada*

Rinaldi I. Rada  
Supervisory Patent Examiner  
Group 3700

Examiner's signature, if required

OCT. 18. 2007 4:05PM

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Name: Examiner Lindsay Low Firm: U.S. Patent and Trademark Office  
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**FROM**

Name: Kent E Basson Floor: 4  
Operator Sending: Telephone # 202.739.5705  
FAX #: 877.432.9652 Date Sent: October 18, 2007 Number of Pages: 8  
(including cover page)

**FAX MESSAGE**

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**COMMENTS**

Examiner Low,

Enclosed is a proposed response for your review prior to our interview for U.S. Application No. 10/566,583.

Sincerely,

Kent E. Basson



**IN THE CLAIMS**

Please amend the claims as follows:

1. (Currently Amended) A stapler comprising:

a driver that is movable up and down relative to a magazine accommodating connected staples;

a guide surface that guides a movement of the driver; and

a pusher that presses a leading-end staple and the next staple of the connected staples to the guide surface,

wherein at least the leading end staple of the connected staples is formed in a C-shape having an upper portion extending lengthwise and having a first end and a second end, with a first end portion substantially perpendicularly extending from the first end of the upper portion and a second end portion substantially perpendicularly extending from the second end of the upper portion; and

the pusher includes a support surface that ~~supports~~ contacts a lower surface of the center in the lengthwise direction of the upper portion of the leading-end staple when the driver moves down to push out the leading end staple.

2. (Canceled)

3. (Previously Presented) The stapler according to claim 1, wherein the driver includes a pair of leg portions that come into contact with both corners of the C-shaped leading-end staple and push out the leading-end staple.

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4. (Previously Presented) The stapler according to claim 1, wherein a protrusion surface of the support surface opposed to the leading-end staple slopes in a driving direction of the driver.

5. (Previously Presented) The stapler according to claim 4, wherein the pusher is urged toward the guide surface, and

when the leading-end staple is driven by the driver, the leading-end staple is moved downward toward the sloping protrusion surface, and the pusher retreats in a direction opposite to the guide surface.

6. (New) A stapler comprising:

a driver that is movable up and down relative to a magazine accommodating connected staples;

a guide surface that guides a movement of the driver; and

a pusher that includes a contact surface for pressing a leading-end staple and the next staple of the connected staples to the guide surface,

wherein at least the leading end staple of the connected staples is formed in a C-shape having an upper portion extending lengthwise and having a first end and a second end, with a first end portion substantially perpendicularly extending from the first end of the upper portion and a second end portion substantially perpendicularly extending from the second end of the upper portion;

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the pusher includes a support surface that contacts a lower surface of the center in the lengthwise direction of the upper portion of the leading-end staple when the driver moves down to push out the leading end staple; and

the support surface of the pusher projects from the pusher toward the guide surface such that the contact surface of the pusher will not contact the guide surface in the absence of staples.

7. (New) The stapler according to claim 6, wherein the driver includes a pair of leg portions that come into contact with both corners of the C-shaped leading-end staple and push out the leading-end staple.

8. (New) The stapler according to claim 6, wherein a protrusion surface of the support surface opposed to the leading-end staple slopes in a driving direction of the driver.

9. (New) The stapler according to claim 8, wherein the pusher is urged toward the guide surface, and

when the leading-end staple is driven by the driver, the leading-end staple is moved downward toward the sloping protrusion surface, and the pusher retreats in a direction opposite to the guide surface.

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**REMARKS****Summary of the Office Action**

Claims 1 and 3-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,029,436 to Kufel Jr. et al. ("Kufel").

**Summary of the Response to the Office Action**

Applicant has amended claim 1. New claims 6-9 have been added.

Accordingly, claims 1 and 3-9 are presently pending for further consideration.

**Rejection Under 35 U.S.C. § 102(b)**

Claims 1 and 3-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kufel. Claim 1 has been amended to recite that the support surface supports the center of the upper portion of the leading-end staple. Applicant respectfully traverses the rejection of the claims as amended.

Claim 1 has been amended to recite that "the pusher includes a support surface that ~~supports~~ contacts a lower surface of the center in the lengthwise direction of the upper portion of the leading-end staple when the driver moves down to push out the leading end staple." In contrast, the wobble plate 36 of Kufel cannot be the pusher recited in claim 1 because it supports the staple "against the face of channel [to] hold the staple frictionally..." (col. 3, lines 53-56.) Thus, the wobble plate 36 of Kufel contacts a vertical surface of the leading end staple to support it rather than "contact[ing] the lower surface of the center of the lengthwise direction of the upper portion of the leading end staple" as recited in claim 1.



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In addition, claim 1 has been amended to recite that the pusher presses not only the leading end staple, but also the next staple. The wobble plate 36 of Kufel contacts only the leading end staple. The leading end staple of Kufel pulls the remainder of the attached strip of staples rather than pressing the next staple as recited in claim 1. (col. 4, lines 12-13.)

For at least the above reasons, Applicant respectfully requests that the rejection of claims 1 and 3-5 under 35 U.S.C. § 102(b) as being anticipated by Kufel be withdrawn.

#### **New Claims 6-9**

New claim 6 also includes the feature that the pusher presses both the leading end staple and the next staple. In addition, claim 6 recites that "the support surface of the pusher projects from the pusher toward the guide surface such that the contact surface of the pusher will not contact the guide surface in the absence of staples." Neither feature is found in Kufel.

For at least these reasons, Applicant respectfully asserts that claim 6 and its dependent claims 7-9 are in condition for allowance. Allowance of claims 1 and 3-9 is requested.

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**CONCLUSION**

It is respectfully submitted that all claims are now in condition for allowance, early notice of which would be appreciated. Should the Examiner disagree, Applicant respectfully requests a telephonic or in-person interview with the undersigned attorney to discuss any remaining issues and to expedite the eventual allowance of the claims.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

**DRAFT**

Dated: October 30, 2007

By: \_\_\_\_\_  
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